

**MINUTES
ZONING BOARD OF APPEALS
FEBRUARY 6, 2006**

The meeting was held in Stow Town Building and began at 8:00 p.m. Board members present were John Clayton, Edmund Tarnuzzer, Donald Dwinells, Charles Barney (associate) and Michele Shoemaker (associate).

Nextel Communications of the Mid-Atlantic, Inc. - The public hearing was held in Stow Town Building and was opened at 8:00 p.m. on the application for special permit filed by **Nextel Communications of the Mid-Atlantic, Inc., 9 Crosby Drive, Bedford, Mass., c/o Debra Sharkey, agent for the applicant, 600 Mount Carmel Avenue, Hamden, Conn.,** under Section 3.9.1 of the Zoning Bylaw to allow installation of a new Wireless Service Facility on the existing smokestack at **501 Gleasondale Road.** Also filed was a petition for variance from Zoning Bylaw Section 3.11, "Wireless Service Facility", i.e., 3.11.7.2.a and 3.11.7.2.c – Setbacks, to allow installation of twelve panel antennas on the existing smokestack. The property contains 223,000 sq. ft. and is shown on Stow Property Map U-8 as Parcel 4.

Board members present: John Clayton, Edmund Tarnuzzer, Donald Dwinells, Charles Barney (associate) and Michele Shoemaker (associate).

Mr. Clayton chaired and announced the two petitions would be heard together. He then read the notices of hearing as they had appeared in the *Beacon Villager* on January 19 and 26, 2006. Hearing notices had been forwarded to all abutters by certified mail, return receipt. William Byron of 469 Gleasondale Road was in attendance. Also present was Ernest Dodd of the Planning Board. Mr. Clayton recited the requirements for grant of special permit and the criteria to be met for grant of variance.

Attorney Michael Rosen of Devine Millimet & Branch represented the applicant. Structural Engineer Sahnoune Abed of Bay State Design Associates was present. In view of the recent Cingular application heard in December by the Board, Mr. Rosen said the presentation would not be long. It is proposed to install additional antennas on the existing smokestack. There are currently two other carriers located on the structure, and a third was recently approved by this board.

Debra Sharkey, agent for the applicant, said it is proposed to install a Wireless Service Facility in the zoned district. The top of the smokestack is at 123 feet A.G.L., and the new facility will be at 107 feet. This is a pre-existing, non-conforming use. An accessory building, 12'x22', with a black facade is proposed to be located on the roof to shelter equipment. It is proposed to install twelve four-foot panel antennas, installed on a triangular platform in three sectors of four antennas each. There will be cable runs and trays across the roof of the adjacent building to the smokestack and cable ladder, with no ground disturbance. The cable ladder will be painted to match the smokestack, as will the cable trays.

With regard to the variances, Nextel requests a variance from Section 3.11.7.2.a. to allow installation of a Wireless Service Facility within 1,000 feet of a residence and from Section 3.11.7.2.c. to allow a WSF within 200 feet of an existing, non-residential building not on the same lot as the proposed WSF.

Mr. Tarnuzzer noted that another carrier, T-Mobile, located lower on the smokestack, has surface-mounted antennas. Cannot Nextel install the same? Mr. Rosen responded that the full area is required to set the cable. The cable trays and ladder take up a large amount of the surface. It is not

possible to flush-mount the antennas. He added that T-Mobile's needs may be different than Nextel's, but he would look into that.

Abutter William Byron voiced his opposition to the proposal. He does not wish to see another triangular shaped structure at the top of the chimney. He prefers surface-mount.

Planning Board member Ernest Dodd noted the amended non-conforming bylaw, Section 3.9, that went into effect by vote of the December special town meeting. He questioned if this proposal should be coming to the Planning Board for a special permit. Mr. Rosen replied that they are aware of the bylaw amendment and will be applying to the Planning Board. The application before this board is intended as an attempt to "cover all bases". He displayed maps to depict gaps in coverage areas. More sophisticated antennas will be used on this site and will be as close and as tight as possible. The trays and ladders take up six feet, so there is not much space to add the antennas. As to the sharing of antennas with other carriers, it was explained that their technologies are different. The other carriers are Sprint, Verizon (on lease), T-Mobile and soon to join Cingular.

Mr. Dodd suggested that the cable trays be installed on the rear side of the smokestack. Ms. Sharkey responded that to reach the back side they would have to build some type of structure that might mean disturbance of the ground.

Ms. Sharkey said that Nextel holds a lease from the Gleasondale Mill owner for a WSF at 107 feet with four-foot antennas. The cable, trays, etc. will be painted to match the chimney. All of the preferred sites within the town were investigated. Some were either too close to existing sites or too far away.

Mr. Rosen said the number of antennas is needed to close coverage gaps, according to their study. The antennas are being compressed to four feet and have to be a certain distance apart to work properly. The chimney neighbors have ten feet at the bottom to seven feet at the top. Each cell tower is part of a network and an engineering matter.

Mr. Dodd advised that the Planning Board will request levels of coverage with various numbers of antennas. Mr. Rosen indicated that information can be furnished.

Mr. Rosen pointed out that Stow's WSF zoning bylaw focuses on co-location of carriers.

The hearing was closed at 8:35 p.m.

The members discussed when they could next meet to discuss the application and petition of Nextel and decided on Monday, February 13th at 7:00 p.m. Ernest Dodd of the Planning Board, who had been in attendance at the hearing, advised that Town Counsel Jon Witten would be meeting with the Planning Board in executive session on February 21st for a discussion of the Wireless Service Facility bylaw as that board has under consideration the special permit application of Cingular. He invited the Board to attend as he felt it might be useful in reaching decisions on Nextel. Mr. Clayton advised he wished to finalize the Nextel decisions prior to the beginning of March as he will be leaving for vacation soon thereafter. He also questioned if the ZBA could be included in the executive session.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board